

IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND

V.

BERNARD GOUGH

CASE NO. 107306006

* * * * *

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2018 DEC -7 AM 11:00
CIRCUIT COURT
BALTIMORE CITY
CRIMINAL SUMMONS UNIT

STATE'S MOTION TO VACATE JUDGMENT

Now comes Marilyn J. Mosby, State's Attorney for Baltimore City, and Shari Greene, Assistant State's Attorney for Baltimore City, and pursuant to section 8-301.1 of the Criminal Procedure Article of the Maryland Code, move this Honorable Court to vacate the judgment in the above-captioned case and in support thereof state the following.

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1. According to police reports, on October 9, 2007, Bernard Gough, Defendant, was arrested by members of the Baltimore Police Department following a car chase in which Detective Jemell Rayam indicated he attempted to stop the car driven by the Defendant related to a gang initiative in the 5500 block of Woodmont Avenue, Baltimore, Maryland. Detective Rayam stated that the Defendant dragged him with his car and he was forced to shoot the Defendant.
2. On October 23, 2008, Defendant entered a plea of guilty in case number 107306006, to Second Degree Assault in violation of Article 27 section 12A of the Criminal Law Article of the Maryland Code. Following acceptance of the guilty plea, pursuant to a plea agreement, the Court imposed a sentence of two years with one year and eleven months and twenty-two days was suspended along with three years of supervised probation.
3. That the State has received new information after the entry of judgment of conviction that in the interest of justice and fairness justifies vacating the conviction.
 - a. On March 1, 2017, federal agents arrested seven members of the Baltimore Police Department's Gun Trace Task Force; including Detective Jemell Rayam, for alleged conduct undertaken under color of authority as sworn officers of the Baltimore Police Department. Officer Rayam was charged with engaging in a racketeering conspiracy and racketeering offenses, including robbery, extortion, and overtime fraud. Said alleged conduct occurred during the time period set forth in the

federal indictment.

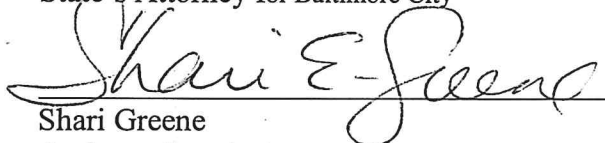
- b. That on October 10, 2017, Detective Jemell Rayam entered a plea of guilty in the United States District Court for the District of Maryland, Northern Division, to conspiracy to engage in racketeering activity, in violation of 18 U.S.C. 1962(d). On May 28, 2019, Detective Rayam was sentenced to twelve years.
4. That the state first became aware of the misconduct set forth in the federal indictment on March 1, 2017.
5. That pursuant to the statute, the defendant was advised of his rights through an attachment to this motion. All documents were sent to the defendant's last known address.
6. There was no restitution ordered in this case.
7. The case was not appealed or the subject of a motion or petition for post judgment relief.

WHEREFORE, the State prays,

- A. That this Honorable Court grant a hearing in this matter, and
- B. That following a hearing, that this Honorable Court issue an order vacating the judgment in this case.
- C. For such other and further relief as fundamental fairness may require.

Respectfully submitted,

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State's Attorney for Baltimore City



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